

REMARKS

The Examiner is provided with a copy of a previously submitted Information Disclosure Statement (Attachment A). A copy of the postcard acknowledging receipt of the Statement by the United States Patent and Trademark Office is also provided (Attachment B). The Statement was not acknowledged in the last Office Action.

Claims 3, 5-20, 23 and 34 have been canceled. Claims 1, 2, 4, 21, 22 and 24-33 and 35-39 remain pending in the application. Of these, claim 39 is re-presented.

The Examiner indicates that claims 1, 2, 4, 21, 22, 24-33 and 35-37 are allowed.

The Examiner also indicates that claim 39 would be allowable if rewritten in independent form. In view of this indication of allowability, claim 39 has been amended to incorporate the subject matter of claims 38 and 39.

Claim 38 is rejected under 35 U.S.C. §103(a) over Strong U.S. 4,286,002 (Strong '002) in view of Jackson U.S. 4,280,487 (Jackson '487). Applicant respectfully traverses this rejection. Strong '002 discloses an absorbent urination collection pad. Strong '002 does not teach or suggest air circulation through the pad or the desirability of providing such circulation, and one would not normally expect air to flow through such a pad. Jackson '487 discloses an inflatable pad that has a foam top layer through which air flows. That is, air flow is predominantly through the top layer. The cited references do not teach or suggest, alone or in combination, directing an air supply through a first layer in a direction parallel to a surface of a second layer and transverse to the second layer through outlet perforations in the second layer, as defined by claim 38.

Further, it is well established that one cannot, in hindsight, pick and choose parts of assorted prior art references to recreate a facsimile of the claimed invention. There must be reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. The showing must be clear and particular, presenting actual evidence. Broad conclusory statements regarding the teaching of multiple references, standing alone, is not evidence. Strong '002 does not suggest the desirability of providing air circulation. Therefore, the skilled artisan would not be motivated to combine the teachings of Jackson '487 with Strong '002.

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Reconsideration in view of the foregoing amendments and remarks and allowance of claims 1, 2, 4, 21, 22 and 24-33 and 35-39 is respectfully requested.

Respectfully Submitted,

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Enclosures: Amendment Transmittal Letter  
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